

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

PHYLLIS J. BORGMAN,

Plaintiff,

vs.

**FARM BUREAU INSURANCE OF
N.C., INC., N.C. FARM BUREAU,
MUTUAL INSURANCE;
COTTON STATES INSURANCE
CO.**

Defendants.

CASE NO. CV 08-B-0653-W

MEMORANDUM OPINION AND ORDER

This case is before the court on Plaintiff's Motion for Remand. (Doc. 3.)¹ The action was removed on the basis of diversity of citizenship, however Plaintiff contends that the amount in controversy does not exceed the \$75,000.00 jurisdictional limit. As a condition of remand, Plaintiff has filed an Amended Affidavit in which she states as follows: "I have requested compensatory and punitive damages in the amount of \$70,000.00. I will not claim nor will I accept any sum, compensatory or punitive, greater than \$75,000.00. In the event that I amend my complaint to add party Defendants I shall not claim nor accept more than \$75,000.00 total." (Doc. 7.)

Upon consideration of the record, the submissions of the parties, the arguments of

¹ Reference to a document number, ["Doc. ____"], refers to the number assigned to each document as it is filed in the court's record.

counsel, and the relevant law, the court finds that the amount in controversy in this case does not exceed \$75,000.00 and, thus, that this court lacks subject matter jurisdiction pursuant to 28 U.S.C. § 1332. Therefore, it is hereby **ORDERED** as follows:

1. Plaintiff's Motion for Remand (doc. 3) is due to be and hereby is
GRANTED.
2. This action is **REMANDED** to the Circuit Court of Marion County,
Alabama.

DONE this the 19th day of June, 2008.


SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE